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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/813,874 | 03/30/2004 | Leslie Spring | 113748-4593US | 5564 |
| 27189 7590 05/17/2007 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B STREET SUITE 2100 SAN DIEGO, CA 92101 | | | EXAMINER ORTIZ, BELIX M | |
| | | | ART UNIT 2164 | PAPER NUMBER |
| | | | NOTIFICATION DATE 05/17/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com
PTONotifications@procopio.com

Office Action Summary

Application No.

10/813,874

Applicant(s)

SPRING ET AL.

Examiner

Belix M. Ortiz

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 34-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications files on 4-February-2007, claims 1, 15, 29, and 34-35 are amended and claims 30-33 and 36 still cancelled per applicant's request. Therefore, claims 1-29 and 34-35 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29, and 34-35 are rejected under 35 U.S.C. 103(a) (Eff. Filing date of application 4/28/2003) as being unpatentable by Fenton et al. (U.S. pub. 2002/0194195) (Eff. Filing date 7/13/2001) in view of Lai et al. (U.S. pub. 2004/0032348) (Eff. Filing date of cont. application 5/10/2002).

As to claims 1 and 34, Fenton et al. teaches a repository system for media publishing (see abstract and paragraph 3), comprising:

a plurality of storage devices configured to store a plurality of media items (see paragraphs 13-14, 43, 46, and 91), the plurality of storage devices including a first storage device and a second storage device,

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the first storage device configured to store a first type of media items (see paragraph 43, 50, and 91), and

the second device configured to store a second type of media items different from the first type of media items (see paragraph 43, 50, and 91); and

metadata information relating to the plurality of media items stored in said plurality of storage devices (see paragraph 3 and 13),

wherein said metadata information enables hierarchical organization of the plurality of media items so that the media items are easily accessed, moved, added, and deleted (see paragraphs 43, 46, 59, 89, and 101).

Fenton et al. does not teach wherein a type of media items selected for the first type and the second type includes:

a format, a bit rate, a communication protocol, digital right management information associated with media items, and an encoding type and compression technique used to reduce the physical size of the media items.

Lai et al. teaches distributed on-demand media transcoding system and method (see abstract) in which he teaches wherein a type of media items selected for the first type and the second type includes:

a format, a bit rate, a communication protocol, digital right management information associated with media items, and an encoding type and compression technique used to reduce the physical size of the media items (see paragraph 7 and 9).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fenton et al. by the teaching of Lai et al., because wherein a type of media items selected for the first type and the second type includes:

a format, a bit rate, a communication protocol, digital right management information associated with media items, and an encoding type and compression technique used to reduce the physical size of the media items, would enable the method because, "Digital representations of media content come in different types. These types are generally defined according to a series of publishing variables which can include, but are not limited to, the file format, bit rate, communication protocol(s), physical medium, compression algorithm, and/or digital rights management information associated with the media content. "

"Digitized media content types can also be categorized according to the type of encoding or compression technique that is used to reduce the physical size of the media content, or according to the type of physical medium that supports the storage of the media content", (see paragraphs 7 and 9).

As to claims 2 and 16, Fenton et al. as modified teaches wherein said plurality of storage devices is distributed over a network to configure the repository system as an online repository system (see Fenton et al., abstract and paragraph 3 and 10).

As to claims 3 and 17, Fenton et al. as modified teaches wherein the online repository system is configured as a Web-based Distributed Authoring and Versioning (WebDAV) facility (see Fenton et al., abstract and paragraph 3).

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As to claims 4 and 18, Fenton et al. as modified teaches the system further comprising:
a communication servlet to allow management of media items stored in said plurality of storage devices using WebDAV-issued commands (see Fenton et al., abstract and paragraph 39).

As to claims 5 and 19, Fenton et al. as modified teaches wherein the WebDAV-issued commands includes HTTP requests (see Fenton et al., paragraph 53-54).

As to claims 6 and 20, Fenton et al. as modified teaches the system further comprising: a plurality of repository filter services configured to provide a framework for performing operations on the plurality of media items while uploading and downloading the media items from the network (see Fenton et al., abstract and paragraphs 11 and 46).

As to claim 7, Fenton et al. as modified teaches the system further comprising: a plurality of templates, each template specifying a particular format for the different type of media item (see Fenton et al., paragraphs 50 and 124).

As to claims 8 and 22, Fenton et al. as modified teaches wherein said plurality of repository filter services includes a transcoder operating to perform one or more operations on a media item to convert the media item from an original format to a format closer to or matching the particular format specified by the template (see Lai et al., abstract and paragraphs 17, 20, and 25).

As to claims 9 and 23, Fenton et al. as modified teaches wherein said plurality of repository filter services includes a media manipulation system to change a media item from one type to another type (see Fenton et al., paragraph 56).

As to claim 10, Fenton et al. as modified teaches wherein said media manipulation system includes an image manipulation system configured to resize an image of the media item (see Fenton et al., paragraph 89).

As to claim 11, Fenton et al. as modified teaches wherein said first type of media items is an image type of a JPEG format (see Fenton et al., paragraphs 114 and 119).

As to claim 12, Fenton et al. as modified teaches wherein said second type of media items includes a music type of a MP3 format (see Fenton et al., paragraph 119).

As to claim 13, Fenton et al. as modified teaches wherein said second type of media items includes a streaming media type of a WAV format(see Fenton et al., paragraph 85).

As to claim 14, Fenton et al. as modified teaches the system further comprising: an asset table to encapsulate relationship between files and folders in said repository system (see Fenton et al., figure 16 and paragraphs 50-51).

As to claims 15, 29, and 35, Fenton et al. teaches a method of providing storage for media items in media publishing, comprising:

storing a first type of media items in a first storage device (see paragraphs 50, 91);
storing a second type of media items in a second storage device (see paragraphs 50, 91);
relating first metadata information to the first type of media items (see paragraph 43); and
relating second metadata information to the second type of media items (see paragraph 43),

wherein said first and second metadata information enable hierarchical organization of the media items so that the media items are easily accessed, moved, added, and deleted (see paragraphs 43, 46, 59, 89, 101).

Fenton et al. does not teach wherein a type of media items selected for the first type and the second type includes:

a format, a bit rate, a communication protocol, digital right management information associated with media items, and an encoding type and compression technique used to reduce the physical size of the media items.

Lai et al. teaches distributed on-demand media transcoding system and method (see abstract) in which he teaches wherein a type of media items selected for the first type and the second type includes:

a format, a bit rate, a communication protocol, digital right management information associated with media items, and an encoding type and compression technique used to reduce the physical size of the media items (see paragraph 7 and 9).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fenton et al. by the teaching of Lai et al., because wherein a type of media items selected for the first type and the second type includes:

a format, a bit rate, a communication protocol, digital right management information associated with media items, and an encoding type and compression technique used to reduce the physical size of the media items, would enable the method because, “Digital representations of media content come in different types. These types are generally defined according to a series of publishing variables which can include, but are not limited to, the file format, bit rate, communication protocol(s), physical medium, compression algorithm, and/or digital rights management information associated with the media content. ”

“Digitized media content types can also be categorized according to the type of encoding or compression technique that is used to reduce the physical size of the media content, or according to the type of physical medium that supports the storage of the media content”, (see paragraphs 7 and 9).

As to claim 21, Fenton et al. as modified teaches the method further comprising: specifying a particular format for the media items (see Fenton et al., paragraph 119).

As to claim 24 and 26, Fenton et al. as modified teaches the method further comprising: configuring the first and second storage devices into a virtual folder to enable storage of media items and metadata information independent of physical locations (see Fenton et al., paragraphs

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42, 87, and 59).

As to claim 25, Fenton et al. as modified teaches the method further comprising: presenting the first and second types of media items according the virtual folder to store the first and second types of media items independent of the first and second storage devices (see Fenton et al., paragraphs 42, 87, and 59).

As to claim 27, Fenton et al. as modified teaches wherein configuring the first and second storage devices into a plurality of virtual folders includes enabling each user to have a different view of the stored media items than other users (see Fenton et al., paragraphs 83, 128, and 130).

As to claim 28, Fenton et al. as modified teaches wherein configuring the first and second storage devices into a plurality of virtual folders includes customizing features of a presentation including the media items (see Fenton et al., paragraphs 75 and 101).

Conclusion

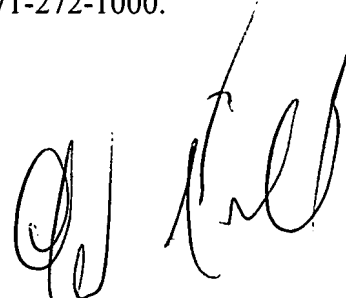
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bmo

May 3, 2007



ALFORD KINDRED
PRIMARY EXAMINER